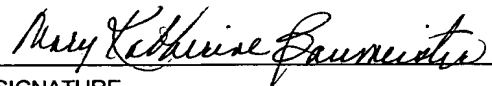


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|---|--|---|--|---|--|
| Substitute for Form PTO-1390 | | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | | ATTORNEY'S DOCKET NUMBER | |
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | | | 017753-204 U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/507,281 | |
| INTERNATIONAL APPLICATION NO. PCT/FR03/00797 | | INTERNATIONAL FILING DATE March 12, 2003 | | PRIORITY DATE CLAIMED March 12, 2002 | |
| TITLE OF INVENTION COMPOSITION HAVING GELLING PROPERTIES FOR THE PROLONGED DELIVERY OF BIOACTIVE SUBSTANCES | | | | | |
| APPLICANT(S) FOR DO/EO/US Jean-Christophe LEROUX and Anne-Claude COUFFIN-HOARAU | | | | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | | | | |
| 1. <input type="checkbox"/> This is a FIRST submission to items concerning a filing under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (22) indicated below. 4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11 to 21 below concern document(s) or information included: 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A FIRST preliminary amendment. 14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A change of power of attorney and/or address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: <u>Form PTO-1449; copies of 14 references; Supplemental Application Data Sheet; amendment Transmittal Letter with fees for claims as amended by Preliminary Amendment; Notification of Missing Requirements Under 35 USC 371 in the United States Designated/Elected Office</u> | | | | | |

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|--|--|---|
| U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/507,281 | INTERNATIONAL APPLICATION NO. PCT/FR03/00797 | ATTORNEY'S DOCKET NUMBER 017753-204 |
|--|--|---|

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|---|-------------------------|------------------------|---------|---|--|-----------|--------|--------------|--------------|---|----|---|-----------------------|-----------------|---|---|--|-------------------|-----------------|--|-------------------|------------|--|-------------------|--|--|--|-------------------------------|--|-----------|--|--|-----------|------------|--|-----------|---|--|---------|----------------------|--|-----------|---|--|--|-----------------------|--|-----------|--|--|------------|--|--|------------------------|--|--|----------|
| <p>21. <input type="checkbox"/> Applicant(s) requests that the published application include the following assignment information:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>22. <input checked="" type="checkbox"/> The following fees are submitted:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2">Basic Filing Fee (1631)</td> <td style="text-align: right;">\$ 0.00</td> </tr> <tr> <td colspan="2">Surcharge of \$130.00 (1617) for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)). <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30</td> <td style="text-align: right;">\$ 130.00</td> </tr> <tr> <td style="text-align: center;">CLAIMS</td> <td style="text-align: center;">NUMBER FILED</td> <td style="text-align: center;">NUMBER EXTRA</td> </tr> <tr> <td>Total Claims: 02/27/2006 PKI WELL 00000034 10507281</td> <td style="text-align: center;">20</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Independent Claims: 1</td> <td style="text-align: center;">780.00 DA - 3 =</td> <td style="text-align: center;">0</td> </tr> <tr> <td colspan="2">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td style="text-align: right;">+ \$360.00 (1616)</td> </tr> <tr> <td colspan="2">Examination Fee</td> <td style="text-align: right;">+ \$200.00 (1633)</td> </tr> <tr> <td colspan="2">Search Fee</td> <td style="text-align: right;">+ \$500.00 (1632)</td> </tr> <tr> <td colspan="2">App. Size Fee (add \$250.00 for each add'l 50 sheets exceeding 100 sheets)</td> <td></td> </tr> <tr> <td colspan="2" style="text-align: right;">TOTAL OF ABOVE CALCULATIONS =</td> <td style="text-align: right;">\$ 130.00</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.</td> <td style="text-align: right;">+ \$ 0.00</td> </tr> <tr> <td colspan="2" style="text-align: right;">SUBTOTAL =</td> <td style="text-align: right;">\$ 130.00</td> </tr> <tr> <td colspan="2">Processing fee of \$130.00 (1618) for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492(f)). <input type="checkbox"/> 20 <input type="checkbox"/> 30</td> <td style="text-align: right;">\$ 0.00</td> </tr> <tr> <td colspan="2" style="text-align: right;">TOTAL NATIONAL FEE =</td> <td style="text-align: right;">\$ 130.00</td> </tr> <tr> <td colspan="2">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 (8021) per property +</td> <td></td> </tr> <tr> <td colspan="2" style="text-align: right;">TOTAL FEES ENCLOSED =</td> <td style="text-align: right;">\$ 130.00</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: right;">-260.00 OP</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: right;">Amount to be refunded:</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: right;">charged:</td> </tr> </table> <p>06/13/2005 NKAYPASH 00000138 024800 10507281</p> <p>01 FC:1617 130.00 OP 02 FC:1614 200.00 OP 03 FC:1616 360.00 OP</p> <p><input checked="" type="checkbox"/> A check in the amount of 130.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. 02-4800 in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4800. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Charge _____ to credit card. Form PTO-2038 is attached.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>Burns, Doane, Swecker & Mathis, L.L.P. P.O. Box 1404 Alexandria, Virginia 22313-1404 (703) 836-6620</p> <p>Repin. Ref: 02/27/2006 PKI WELL 0017426800 DA#: 024800 Name/Number: 10507281 FC: 9204 \$360.00 CR</p> <p style="text-align: right;">  SIGNATURE Mary Katherine Baumeister NAME 03 FC:1616 -360.00 OP 26,254 June 9, 2005 REGISTRATION NO. DATE </p> | Basic Filing Fee (1631) | | \$ 0.00 | Surcharge of \$130.00 (1617) for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)). <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 | | \$ 130.00 | CLAIMS | NUMBER FILED | NUMBER EXTRA | Total Claims: 02/27/2006 PKI WELL 00000034 10507281 | 20 | 0 | Independent Claims: 1 | 780.00 DA - 3 = | 0 | MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | + \$360.00 (1616) | Examination Fee | | + \$200.00 (1633) | Search Fee | | + \$500.00 (1632) | App. Size Fee (add \$250.00 for each add'l 50 sheets exceeding 100 sheets) | | | TOTAL OF ABOVE CALCULATIONS = | | \$ 130.00 | <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | + \$ 0.00 | SUBTOTAL = | | \$ 130.00 | Processing fee of \$130.00 (1618) for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492(f)). <input type="checkbox"/> 20 <input type="checkbox"/> 30 | | \$ 0.00 | TOTAL NATIONAL FEE = | | \$ 130.00 | Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 (8021) per property + | | | TOTAL FEES ENCLOSED = | | \$ 130.00 | | | -260.00 OP | | | Amount to be refunded: | | | charged: |
| Basic Filing Fee (1631) | | \$ 0.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Surcharge of \$130.00 (1617) for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)). <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 | | \$ 130.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total Claims: 02/27/2006 PKI WELL 00000034 10507281 | 20 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Independent Claims: 1 | 780.00 DA - 3 = | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | + \$360.00 (1616) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Examination Fee | | + \$200.00 (1633) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Search Fee | | + \$500.00 (1632) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| App. Size Fee (add \$250.00 for each add'l 50 sheets exceeding 100 sheets) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL OF ABOVE CALCULATIONS = | | \$ 130.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | + \$ 0.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SUBTOTAL = | | \$ 130.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Processing fee of \$130.00 (1618) for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492(f)). <input type="checkbox"/> 20 <input type="checkbox"/> 30 | | \$ 0.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL NATIONAL FEE = | | \$ 130.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 (8021) per property + | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL FEES ENCLOSED = | | \$ 130.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | -260.00 OP | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | Amount to be refunded: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | charged: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAIL STOP PCT

10/507281

In re Patent Application of

Jean-Christophe Leroux et al.

Application No.: 10/507,281

Filing Date: June 9, 2005

Title: COMPOSITION HAVING GELLING PROPERTIES FOR THE PROLONGED DELIVERY OF BIOACTIVE SUBSTANCES

Group Art Unit:

Examiner:

Confirmation No.: 4230

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above identified patent application:

☐ A Petition for Extension of Time is also enclosed.

☐ Terminal Disclaimer(s) and the ☐ \$65.00 (2814) ☐ \$130.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.

☒ Also enclosed is/are Enclosed is a Preliminary Amendment

☐ Small entity status is hereby claimed.

☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$395.00 (2801) ☐ \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).

☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.

☐ Applicant(s) previously submitted _____
on _____
for which continued examination is requested.

☐ Applicant(s) requests suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

- ☐ No additional claim fee is required.
- ☒ An additional claim fee is required, and is calculated as shown below.

| AMENDED CLAIMS | | | | | |
|--|------------------|--|--------------|---------------------|------------------|
| | No. of Claims | Highest No. of Claims Previously Paid For | Extra Claims | Rate | Additional Fee |
| Total Claims | 31 | MINUS 20 = | 11 | x \$50.00 (1202) = | \$ 550.00 |
| Independent Claims | 1 | MINUS 3 = | 0 | x \$200.00 (1201) = | \$ 0.00 |
| If Amendment adds multiple dependent claims, add \$360.00 (1203) | | | | | |
| Total Claim Amendment Fee | | | | | \$ 550.00 |
| <input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee | | | | | \$ 0.00 |
| TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT | | | | | \$ 550.00 |

- ☒ A check in the amount of \$ 550.00 is enclosed for the fee due.
- ☐ Charge _____ to Deposit Account No. 02-4800.
- ☐ Charge _____ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: June 9, 2005

By Mary Katherine Baumeister
Mary Katherine Baumeister
Registration No. 26,254



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

| | | |
|-----------------------------|------------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/507,281 | Jean-Christophe Leroux | 37991-0033 |

INTERNATIONAL APPLICATION NO.

PCT/FR03/00797

I.A. FILING DATE

PRIORITY DATE

03/12/2003

03/12/2002

26633
HELLER EHRMAN WHITE & MCAULIFFE LLP
1666 K STREET,NW
SUITE 300
WASHINGTON, DC 20006

CONFIRMATION NO. 4230

371 FORMALITIES LETTER



OC000000014916485

Date Mailed: 01/11/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/10/2004
- Copy of the International Search Report filed on 09/10/2004
- Copy of IPE Report filed on 09/10/2004
- Copy of Article 19 Amendments filed on 09/10/2004
- U.S. Basic National Fees filed on 09/10/2004
- Priority Documents filed on 09/10/2004

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$560** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- **\$130** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$690** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

Additionally the following defects have been observed:

- Article 19 amendments have not been entered because the changes should be made on a different page and in numerical order.
- Total additional claim fee(s) for this application is **\$ 560**
 - **\$200** for 4 total claims over 20.
 - **\$360** for multiple dependent claim surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 305-3656

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/507,281 | PCT/FR03/00797 | 37991-0033 |